

EXHIBIT 85

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
Plaintiff)
)
vs.) No. 1-19-CR-10080
)
GAMAL ABDELAZIZ and JOHN)
WILSON,)
Defendants.)
)
)

BEFORE THE HONORABLE NATHANIEL M. GORTON
UNITED STATES DISTRICT JUDGE
JURY TRIAL - DAY 16

John Joseph Moakley United States Courthouse
Courtroom No. 4
One Courthouse Way
Boston, Massachusetts 02210

October 1, 2021
9:25 a.m.

Kristin M. Kelley, RPR, CRR
Official Court Reporter
John Joseph Moakley United States Courthouse
One Courthouse Way, Room 3209
Boston, Massachusetts 02210
E-mail: kmob929@gmail.com

Mechanical Steno - Computer-Aided Transcript

1 the coach, setting things up. He was a full member of the
2 team.

3 Q. How demanding was Coach Vavic?

4 A. Extremely.

5 Q. In what ways?

6 A. I would describe him as like the Bill Belichick of water
7 polo, so you were expected to be, you know, full water polo all
8 the time. Water polo was priority number one. If you were --
9 he said to me one time, if you were getting As and Bs, then you
10:31 10 were not focused enough on water polo. You should be getting
11 Cs and doing better in the pool.

12 Q. Did you ever meet Johnny's parents freshman year?

13 A. I did.

14 Q. Did you ever see them at a game?

15 A. I did.

16 Q. Who did you see at the game?

17 A. I saw Johnny's father at the game.

18 Q. Do you see him here in court today?

19 A. I do.

10:32 20 Q. Okay. Do you want to point him out to us?

21 A. He's right here with the light blue tie.

22 Q. Was it more than one game you saw him attend?

23 A. Yes.

24 Q. How many games? Can you give us an estimate of the number
25 of games you saw him at?

1 Q. And were you at this tournament?

2 A. I was.

3 Q. Okay. But you're not in this picture?

4 A. No.

5 MR. KENDALL: Could we have Exhibit 8028, please, for
6 the witness only. Excuse me. We've already gone through that.
7 Can we go back to 8028, please?

8 Q. For the people in the green, if we could just focus on
9 starting from the top green to the bottom green line. When did
10:36 10 Johnny leave the water polo team?

11 A. Sometime in January.

12 Q. When did you leave?

13 A. Sometime in March.

14 Q. And why did you leave?

15 A. To focus on school and to be out of that environment.

16 Q. Okay. Did you keep your As and Bs?

17 A. I did for the most part. I can't say they were all As and
18 Bs.

19 Q. For the other freshmen redshirts on that team, how many of
10:36 20 them left the team your freshman or sophomore year, that you
21 can recall?

22 A. You're saying out of the people in green here?

23 Q. Yes.

24 A. If I could just go down the list. Jake Taburchlick left
25 in his first year. Tyler left in the first semester. Chase

1 Cockwell stayed for at least couple years. Tim Leong was there
2 for I believe all four, but more than two years. I left.
3 Steve Michaud also left after his first year. And then
4 Tristan, Kyle, they remained on the team. Colby left and
5 Johnny left.

6 Q. Okay. When did Colby leave, to your memory?

7 A. First year.

8 Q. After you and Johnny left the team freshman year, did you
9 remain friends with people who were still on the team?

10:38 10 A. Yes, we did.

11 Q. Okay. Are you still friends today?

12 A. Johnny and I?

13 Q. And the other teammates.

14 A. Yes.

15 Q. Okay. Do you currently work for USC?

16 A. No.

17 Q. You graduated and you've gone off and left the school,
18 correct?

19 A. That's correct.

10:38 20 Q. Did any USC lawyers prepare you to testify today?

21 A. No.

22 Q. Does USC have any financial control or influence over your
23 income?

24 A. No. They just ask me for donations all the time.

25 MR. KENDALL: One moment, your Honor. Okay. No

1 referenced but the Court has not ruled on yet, Exhibit 133,
2 which is we offer as a -- not for -- we offer it under three
3 different rules of evidence, 803(3), statement of physical
4 condition for certainly parts of the record, 803(4), statement
5 for medical diagnosis or treatment, and 803(6), records of
6 regularly conducted activity.

7 If the Court thinks we need a record keeper, we're
8 happy to arrange for the USC person to testify, but we think
9 this could go without that given the stipulation of
10 authenticity and the various rules that apply.

11 This is a medical record from Keck Medical Center at
12 USC.

13 MR. FRANK: Your Honor, we object at a minimum to the
14 -- I haven't seen the entire document here, but this page we
15 certainly object to.

16 MR. KENDALL: It's the government's exhibit, your
17 Honor. They're the one who put it on their list.

18 MR. FRANK: Your Honor, I object to the --

19 THE COURT: Yes, it's not the government's exhibit.

11:48 20 MR. KENDALL: The government has seen it, your Honor.
21 They've assembled it.

22 MR. FRANK: We object to the first page, your Honor.
23 We object to the second page.

24 THE COURT: The objections to the first and second
25 pages is sustained.

1 MR. FRANK: Is there more?

2 MR. KENDALL: Yes, if we could show the third page.

3 MR. FRANK: So to the extent that this is the
4 remainder -- if you could just flip through it.

5 MR. KENDALL: There's one paragraph here that relates
6 to unrelated medical issues that we would propose to redact,
7 but we can work that out together.

8 MR. FRANK: We object to that, your Honor. It's
9 either coming in, which we would not object to this portion of
11:48 10 it coming in, but for completeness, then the entire thing comes
11 in.

12 THE COURT: I can't hear you.

13 MR. FRANK: I'm sorry, your Honor. We object to the
14 first two pages.

15 THE COURT: Yes, and the objection has been sustained
16 to the first two pages. We're talking about everything else.

17 MR. FRANK: Everything else we do not object to
18 provided it all comes in and not -- provided that the rest of
19 the document comes in in its entirety for completeness.

11:49 20 THE COURT: All right. So other than pages 1 and 2,
21 the document is admitted in its entirety.

22 MR. KENDALL: Your Honor, may I represent pages 1 and
23 2 with a keeper of the records from USC to establish the
24 business records foundation?

25 THE COURT: I don't believe the objection was

1 sustained on business record grounds.

2 MR. KENDALL: I don't know what the objection was to
3 the first two pages. If it's hearsay, then the business
4 records would answer --

5 THE COURT: We can talk about this outside the hearing
6 of the jury --

7 MR. KENDALL: Very well, your Honor.

8 THE COURT: -- Mr. Kendall. But as of now, 133 is
9 admitted with the exception of pages 1 and 2.

11:49 10 (Exhibit 133 admitted into evidence.)

11 MR. KENDALL: May I read sections of the parts that
12 are in?

13 THE COURT: Yes.

14 MR. KENDALL: Thank you, your Honor.

15 And if we could put up page 3 of the exhibit and start
16 from there and show the jury, your Honor.

17 "Keck Medical Center of USC, Re: Johnny Wilson,
18 confidential, report of neuropsychological assessment. Chief
19 complaint, referral question.

11:50 20 "Mr. Wilson is an 18-year-old right-handed USC water
21 polo player with a history of concussion. Assessment is
22 requested to evaluate neuropsychological status."

23 If we drop down to "relevant history."

24 "A neurological report by Dr. Liu (9/31/14) indicated
25 that Mr. Wilson suffered from a head trauma when a friend

1 C E R T I F I C A T E
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34 UNITED STATES DISTRICT COURT)
5 DISTRICT OF MASSACHUSETTS)
6
78 We, Kristin M. Kelley and Debra Joyce, certify that
9 the foregoing is a correct transcript from the record of
10 proceedings taken October 1, 2021 in the above-entitled matter
11 to the best of our skill and ability.
12
1314 /s/ Kristin M. KelleyOctober, 202115 /s/ Debra JoyceOctober 1, 202116 Kristin M. Kelley, RPR, CRR
17 Debra Joyce, RMR, CRR
18 Official Court Reporter
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Date